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San Diego, CA 92101
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JESUS RODRIGUEZ
ASSISTANT DISTRICT ATTORNEY

December 7, 2018

Christopher Schiano
MuckRock News
Dept MR 64327
411A Highland Ave
Somerville, MA 02144-2516

Re: Public Records Act Request, Reference No. 18-153 PRA

Mr. Schiano:

I am a designated custodian of records for the San Diego County District Attorney's Office responsible for compliance with the California Public Records Act (CPRA). On November 28, 2018, we received your email in which you request "Any email sent or received by any employee of your agency between November 24, 2018 and November 27, 2018 which includes the keywords 'tear gas' and/or 'teargas.'"

This office grants your request, in part. After a reasonable search, we have identified emails which are responsive to your request. Most of these emails appear to be automated messages from news outlets or other organizations.

We have identified one email from a citizen to our office. This email includes the citizen's name, email address and residence address, all of which will be redacted prior to disclosure. Public disclosure of this information could unduly expose the citizen to harassment, as well as potentially chill other citizens from coming forward to our office, who may not want their identities released to the public. Thus, the public interest served by withholding this information clearly outweighs the public interest served by disclosure. (Gov. Code, § 6255, subd. (a).) Additionally, public disclosure of this citizen's personal information would constitute an invasion of privacy. (Cal. Const., Art I, § 1.)

We have additionally identified emails concerning a case this office filed prior to November 2018. These emails will not be provided because they are exempt as core work product (Gov. Code, § 6254, subd. (k)) and as materials related to the deliberative process (Gov. Code, § 6255, subd. (a); *California First Amendment Coalition v. Superior Court* (1998) 67 Cal.App.4th 159, 170.). These emails are also exempt to the extent that they constitute investigatory file materials. District Attorney case files are investigatory files compiled by a local agency for law enforcement purposes, and records maintained therein

or properly belonging therein are exempt from CPRA disclosure requirements. (Gov. Code, § 6254, subd. (f); *Williams v. Superior Court (Freedom Newspapers, Inc.)* (1993) 5 Cal.4th 337, 354; *County of Orange v. Superior Court (Wu)* (2000) 79 Cal.App.4th 759, 765.) Neither the termination of an investigation, nor the conclusion of the case removes our exemption under subdivision (f) of Government Code section 6254. (*Williams v. Superior Court, supra*, 5 Cal.4th at pp. 361-362 [“the exemption for law enforcement investigatory files does not end when the investigation ends.”]; see also *County of Orange v. Superior Court (Wu), supra*, 79 Cal.App.4th at p. 765.)

If you wish this office to produce the above identified, non-exempt records for your review, you must bear the cost of data extraction and compilation which was required to respond to your request. Government Code section 6253.9, subdivision (b)(2) provides that a CPRA requestor shall bear the cost of programming and computer services required to produce a copy of a record, when the request requires data compilation, extraction, or programming. Therefore, you must provide us with an upfront payment of \$84.50, which reflects 1.5 hours of work completed by our engineer.

Should you wish to proceed with your request, please send \$84.50 by money order or check, payable to the “San Diego County District Attorney’s Office,” to the below address:

San Diego County District Attorney’s Office
Attention: Adriana Gonzalez, CPRA 18-153
330 W. Broadway, Suite 860
San Diego, California 92101

Sincerely,
Karl Husoe
Deputy District Attorney